

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

WANDA L. MCKINNEY

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-CV-281-NBB-DAS

NORTH PANOLA SCHOOL DISTRICT

DEFENDANT

ORDER OF DISMISSAL

This cause comes before the court for entry of an order dismissing this case for lack of prosecution and for failure to timely serve the defendant, North Panola School District. The plaintiff, Wanda L. McKinney, filed this action, *pro se*, on December 27, 2018. She has been served with two Notices of Incomplete Service of Process by the Clerk of Court but has failed to take further action in this matter. As more than a year and a half has passed since the filing of the complaint with no action by the plaintiff, the court finds this case should be dismissed without prejudice for failure to prosecute. “Rule 41(b) authorizes a district court to dismiss an action for failure to prosecute. A district court may dismiss *sua sponte*, with or without notice to the parties, incident to its inherent powers.” *Rogers v. Kroger Company*, 669 F.2d 317, 319-20 (5th Cir. 1982). *See also Ayika v. Sutton*, 378 F. App’x 432, 434 (5th Cir. 2010) (quoting Fed. R. Civ. P. 4(m)) (“If a defendant is not served within [90 days] after the complaint is filed, the court must dismiss the action without prejudice against that defendant....”).

Accordingly, it is ORDERED AND ADJUDGED that the above styled and numbered cause is hereby DISMISSED without prejudice.

This 10th day of July, 2020.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE